## CLAIMS

- 1. A prime mover control device of a construction machine that includes:
- 5 a hydraulic pump driven by a prime mover;
  - an actuator driven with pressure oil discharged from the hydraulic pump; and
- a control valve that controls a flow of the pressure oil from the hydraulic pump to the actuator in response to an operation of a first operating member, comprising:
  - a first set means for setting a first set rotation speed of the prime mover according to the operation of the first operating member;
- a second set means for setting a second set rotation speed of the prime mover according to an operation of a second operating member;
  - a selection member that selects one of a first mode and a second mode; and
- a rotation speed control means for controlling a prime

  20 mover rotation speed to match with a maximum value between
  the first set rotation speed and the second set rotation speed
  when the selection member selects the first mode, and for
  controlling the prime mover rotation speed to match with the
  second set rotation speed when the selection member selects
- 25 the second mode.

- 2. A prime mover control device of a construction machine that includes:
  - a hydraulic pump driven by a prime mover;
- 5 an actuator driven with pressure oil discharged from the hydraulic pump; and
  - a control valve that controls a flow of the pressure oil from the hydraulic pump to the actuator in response to an operation of a first operating member, comprising:
- a first set means for setting a first set rotation speed of the prime mover according to the operation of the first operating member;
  - a second set means for setting a second set rotation speed of the prime mover according to an operation of a second operating member;

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- a selection member that selects one of a first mode and a second mode; and
- a rotation speed control means for controlling a prime mover rotation speed to match with the first set rotation speed when the selection member selects the first mode, and for controlling the prime mover rotation speed to match with the second set rotation speed when the selection member selects the second mode.

3. A prime mover control device of a construction machine according to claim 1 or claim 2, wherein:

the first operating member is a foot-operated operating member, and the second operating member is a hand-operated operating member.

4. A prime mover control device of a construction machine according to any one of claims 1 through 3, wherein:

the selection member is installed in the vicinity of  $\ensuremath{\mathsf{10}}$  the second operating member.

5. A prime mover control device of a construction machine according to any one of claims 1 through 4, wherein:

the actuator is a traveling motor.

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6. A prime mover control device of a construction machine according to claim 5, further comprising:

a determination means for determining a traveling state and a work state; wherein:

when the traveling state is determined with the determination means, the first set means sets the first set rotation speed to a larger value compared to a value to be set when the work state is determined.

7. A prime mover control device of a construction machine according to claim 6, wherein:

the determination means comprises a brake detection means for detecting a non-operating state of a brake and a neutral detection means for detecting a neutral operation of the first operating member, and determines the traveling state when the non-operating state of the brake and the neutral operation are detected.

10 8. A wheeled hydraulic excavator, comprising:

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a hydraulic pump driven by a prime mover;

an actuator driven with pressure oil discharged from the hydraulic pump;

a control valve that controls a flow of the pressure

15 oil from the hydraulic pump to the actuator in response to
an operation of a first operating member; and

a prime mover control device according to any one of claims 1 through 7.